the court should dismiss the bill; that, had the allegations of defendant been proven, plaintiff would not have been entitled to a decree, and that the lower court erred in not allowing her to introduce evidence to prove them. *Wilson* v. *Wilson* (Neb. 1911) 132 N. W. 401.

With no previous decision in the jurisdiction to guide them, the Nebraska court in this case followed a line of authorities which appears to be in the majority, though opinion on the point in question is by no means unanimous. The earlier rule in England was to the effect that where the divorce was from bed and board (as it formerly was in England for adultery and cruelty), cruelty was not allowed as a bar to a suit based on the ground of adultery. 2 BISHOP, MARRIAGE AND DIVORCE, Ed. 6, § 84. By the weight of modern authority, however, the offense pleaded in recrimination need not be of the same nature as the offense defendant has committed. Any misconduct on the part of the plaintiff which constitutes a ground for divorce bars his suit, without reference to the nature of the offense of which he complains. *Alexander* v. *Alexander,* 140 Ind. 555, 38 N. E. 855; *Wass* v. *Wass,* 41 W. Va., 126, 23 S. E. 537; *Wheeler* v. *Wheeler,* 18 Ore. 261, 24 Pac. 900. To the contrary: *Bast* v. *Bast,* 82 Ill. 584; *Dillon* v. *Dillon,* 32 La. Ann. 643; *Buerfenig* v. *Buerfening,* 23 Minn. 563. In the following cases which are on all fours with this case the courts have decided as did the Nebraska court: *Nagel* v. *Nagel,* 12 Mo. 53; *Church* v. *Church,* 16 R. I. 667; 19 Atl. 244; *Pease* v. *Pease,* 72 Wis. 136, 39 N. W. 133.

EQUITY—JURISDICTION—ADEQUATE REMEDY AT LAW.—During the coal strike of 1902, X company and Y each contracted with the defendants to purchase a ship-load of coal to be imported from Wales. Defendants represented that they were merely acting as agents for one Jones of Wales, while as a matter of fact, they were making the transaction as principals. The coal did not arrive until the strike had been settled and the price of coal had declined. Both ship-loads were accepted, worked over, and re-sold, and in an attempt to adjust the loss incurred, an agent of X company made a trip to Wales to see the supposed principal. Plaintiff as assignee of both X company and Y, brings suit in equity for rescission of the contracts of sale and for an accounting. The defendant raised the objection in the lower court that the plaintiff had an adequate remedy at law but that court refused to dismiss the case. The case was first submitted to the lower court in 1904, and the parties have spent much time in preparing it for the higher court. *Held,* that the suit will not be dismissed but will be decided on the merits, although the plaintiff had a proper and adequate remedy at law for breach of warranty. *Lawson* v. *Barber & Co., Inc.* (C. C., E. D., N. Y. 1911), 189 Fed. 165.

That a court of equity will not entertain jurisdiction where there is an adequate remedy at law is one of the best known and most firmly established of equitable doctrines. A few exceptions to this rule are equally well recognized, one of which is that when several suits at law would be necessary to settle a controversy, equity will exercise jurisdiction to prevent multiplicity of suits. *Preteca* v. *Maxwell Land Grant Co.,* 50 Fed. 674, 1 C. C. A. 607.

A second exception is that when equity has once interfered to prevent a wrong or preserve a right it will retain jurisdiction until a complete remedy is afforded although it may be necessary to give purely legal relief. *Albrecht* v. *Foster Lumber Co.*, 126 Ind. 318, 26 N. E. 157. In the principal case the court expressly recognizes and admits that the plaintiff has an adequate remedy in damages for the false representation that the defendants were contracting agents and that Jones was the responsible principal in the transaction but says that as the case was not dismissed on this ground by the lower court, and as the parties have spent much time in submitting briefs, the case will not be dismissed but decided on the merits. The decision seems to be a little in advance of any of the well recognized exceptions to the general rule. The defendant has taken every opportunity offered to object to the jurisdiction of the court, and the court above recognizes the validity of his objections. The case then, does not come within the second exception noted above, since the lower court really had no right to retain jurisdiction. But the court above, striving to do justice between the parties and to lessen the expense of litigation, rightfully considers the doctrine that relief will not be given in equity when there is an adequate remedy at law, one for the protection and use of the court and not of the parties, and therefore feels justified in disregarding it in order to decide the case. This decision is another illustration of the tendency of courts of equity to do justice even at the expense of recognized rules.

EVIDENCE—ADMISSIBILITY OF ADMISSIONS AND CONFESSIONS OF ACCUSED TO PROVE THE CORPUS DELICTI.—Defendant was convicted of the crime of drawing and uttering a bank check with intent to defraud, knowing that he had not sufficient funds in the bank to meet it. It appeared that the defendant represented that he had on deposit over $20,000, and when the check was presented a few days later it appeared that he had less than $200 on deposit. On appeal the defendant contended that independently of his extra-judicial statements and confessions, the evidence failed to establish the *corpus delicti* and therefore the court erred in admitting such statements and confessions. *Held,* while an accused's confessions or admissions are inadmissable until there has been proof, not necessarlly conclusive, of the *corpus delicti* which includes all of the elements of the crime, the facts in this case warranted an inference that defendant did not have sufficient credit with the bank to meet the check, and consequently his confessions and admissions were admissible. *People* v. *Spencer* (Cal. App. 1911) 117 Pac. 1039.

While stating it to be the law that the *corpus delicti* must be established by evidence entirely independent of the extra-judicial admissions of the accused, the court in the above decision seems to incline to the rule adopted by all the courts in this country with the single exception of California, that the admissions and confessions of the accused may be used to establish the *corpus delicti.* It is almost universally admitted that the extra-judicial admissions or confessions of one accused of crime are not in themselves sufficient to warrant a conviction in the absence of other evidence of the *corpus delicti. Winslow* v. *State,* 76 Ala. 42; *Roberts* v. *People,* 11 Colo.